



2022 CHAPTER 19

PART 1

Sexual offences

CHAPTER 1

Criminal conduct

Sexual grooming: pretending to be a child

4.—(1) After Article 22A of the Sexual Offences (Northern Ireland) Order 2008 insert—

“Communicating with a person with a view to grooming a particular child

22B.—(1) A person aged 18 or over (A) commits an offence if—

- (a) A communicates with another person (B),
 - (b) at the time of the communication, A intentionally presents himself or herself to B, to a group of persons that includes B or to the public at large as being under 18,
 - (c) A’s intention in communicating with B is to establish or participate in an exchange of communications with a particular person whom A has in mind (C) with a view to subsequently committing a relevant offence against C, and
 - (d) C is under 16 and A does not reasonably believe that C is 16 or over.
- (2) B and C may be the same person.
- (3) If—

Changes to legislation: There are currently no known outstanding effects for the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, Section 4. (See end of Document for details)

- (a) A communicates with a group of persons, and
- (b) the group contains a person to whom A intentionally presents himself or herself as being under 18,

A is to be regarded as communicating with that person.

Communicating with a group with a view to grooming a particular child

22C. A person aged 18 or over (A) commits an offence if—

- (a) A communicates with a group of persons,
- (b) at the time of the communication, A intentionally presents himself or herself to the group or to the public at large as being under 18,
- (c) A's intention in communicating with the group is to establish or participate in an exchange of communications with a particular person whom A has in mind (B) with a view to subsequently committing a relevant offence against B, and
- (d) B is under 16 and A does not reasonably believe that B is 16 or over.

Communicating with a person with a view to grooming any child

22D.—(1) A person aged 18 or over (A) commits an offence if—

- (a) A communicates with another person (B),
- (b) at the time of the communication, A intentionally presents himself or herself to B, to a group of persons that includes B or to the public at large as being under 18, and
- (c) A's intention in communicating with B is to establish or participate in an exchange of communications with a person or persons aged under 16 with a view to subsequently committing a relevant offence against such a person; but without having a particular person in mind at the time of the communication.

(2) If—

- (a) A communicates with a group of persons, and
- (b) the group contains a person to whom A intentionally presents himself or herself as being under 18,

A is to be regarded as communicating with that person.

Communicating with a group with a view to grooming any child

22E. A person aged 18 or over (A) commits an offence if—

- (a) A communicates with a group of persons,
- (b) at the time of the communication, A intentionally presents himself or herself to the group or to the public at large as being under 18, and

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- (c) A's intention in communicating with the group is to establish or participate in an exchange of communications with a person or persons aged under 16 with a view to subsequently committing a relevant offence against such a person; but without having a particular person in mind at the time of the communication.

Communication with a view to grooming: interpretation

22F. For the purposes of Articles 22B to 22E—

- (a) A presents himself or herself to a person (or persons) as being under 18 if a reasonable person would consider that, in all the circumstances, A presents himself or herself to that person (or those persons) as being under 18;
- (b) “relevant offence” means—
- (i) an offence under this Order,
 - (ii) an offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation), or
 - (iii) anything done outside Northern Ireland which is not an offence under sub-paragraph (i) or (ii) but would be an offence within sub-paragraph (i) or (ii) if done in Northern Ireland.

Communication with a view to grooming: sentencing

22G. A person guilty of an offence under any of Articles 22B to 22E is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years.”.

(2) In Schedule 3 to the Sexual Offences Act 2003 (sexual offences for purposes of notification requirements), after paragraph 92IA (as inserted by Schedule 2) insert—

“**92IB.** An offence under Article 22B of that Order (communicating with a person with a view to grooming a particular child).

92IC. An offence under Article 22C of that Order (communicating with a group with a view to grooming a particular child).

92ID. An offence under Article 22D of that Order (communicating with a person with a view to grooming any child).

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92IE. An offence under Article 22E of that Order (communicating with a group with a view to grooming any child).”.

(3) In Part 2 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 (specified sexual offences), in paragraph 14A, after the entry relating to Article 22A of the Sexual Offences (Northern Ireland) Order 2008 insert—

“Article 22B (communicating with a person with a view to grooming a particular child),

Article 22C (communicating with a group with a view to grooming a particular child),

Article 22D (communicating with a person with a view to grooming any child),

Article 22E (communicating with a group with a view to grooming any child).”.

Commencement Information

I1 S. 4 not in operation at Royal Assent, see [s. 30\(2\)](#)

I2 S. 4 in operation at 27.11.2023 by [S.R. 2023/188](#), [art. 3\(a\)](#)

Changes to legislation:

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